

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEVANTE B. HARRIS,

Plaintiff,

vs.

M. DOLANTO,

Defendant.

1:20-cv-00042-DAD-GSA-PC

**ORDER DENYING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME**

(ECF No. 24.)

and

**FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS CASE
BE DISMISSED, WITH PREJUDICE,
FOR FAILURE TO COMPLY WITH
COURT'S ORDER**

(ECF No. 23.)

Devante B. Harris ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. On March 17, 2022, Plaintiff filed a motion for a thirty-day extension of time to file his Second Amended Complaint. (ECF No. 24.)

1 “When an act may or must be done within a specified time, the court may, for good cause,
2 extend the time.” Fed. R. Civ. P. 6(b)(1). In support of his motion for extension of time, Plaintiff
3 asserts that he has not filed his Second Amended Complaint because he was occupied opposing
4 summary judgment in another case.

5 On February 7, 2022, the Court granted Plaintiff “**one final opportunity** [30-day
6 extension of time] to file an amended complaint in an attempt to cure the pleading deficiencies
7 noted by the magistrate judge.” (ECF No. 23.) Plaintiff was warned that “failure to cure the
8 deficiencies identified in the findings and recommendations in any amended complaint he elects
9 to file will result in this case’s dismissal with prejudice.” (*Id.*) The **final** 30-day extension of
10 time has expired, and Plaintiff has not filed his Second Amended Complaint.

11 Plaintiff has not shown good cause for the Court to grant him another extension of time.
12 Therefore, Plaintiff’s motion for extension of time shall be denied.

13 In addition, the Court shall recommend, pursuant to the Court’s February 7, 2022 order,
14 that this case be dismissed, with prejudice.

15 **ORDER**

16 Accordingly, Plaintiff’s motion for extension of time filed on March 17, 2022, is
17 DENIED.

18 and

19 **RECOMMENDATIONS**

20 Based on the foregoing, the Court **HEREBY RECOMMENDS** that:

21 1. This case be dismissed, with prejudice, for failure to comply with the Court’s
22 order issued on February 7, 2022; and

23 2. The Clerk be directed to close this case.

24 These findings and recommendations are submitted to the United States District Judge
25 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen
26 (14) days after the date of service of these findings and recommendations, Plaintiff may file
27 written objections with the court. Such a document should be captioned “Objections to
28 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file

1 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.
2 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394
3 (9th Cir. 1991)).

4
5 IT IS SO ORDERED.

6 Dated: March 21, 2022

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE